


Notice of Allowability	Application No.	Applicant(s)	
	10/691,307	WACK ET AL.	
	Examiner	Art Unit	
Olivia T Luk	2812		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/22/04.
2. ☒ The allowed claim(s) is/are 4809,4812,4817-4841,4845-4849,4856,4858-4861,4865,4866,4869-4871,4873-4875,4877 and 4879.
3. ☒ The drawings filed on 22 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>0604</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>3/22/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ann Marie Mewherter on 6/15/04.

The application has been amended as follows: Claims 4886, 4979, 4996, and 5033 are canceled after Examiner reinstated the restriction from Divisional Application 09/956,851 to active claims 4809, 4812, 4817-4841, 4845-4849, 4856, 4858-4861, 4865-4866, 4869-4871, 4873-4875, 4877, 4879, 4886, 4979, 4996, and 5033.

- I. Claim 4809, drawn to process of using, classified in class 438, subclass 14.
- II. Claim 4886, drawn to computer-implemented process, classified in class 710, subclass 15.
- III. Claim 4979, drawn to process of making, classified in class 438, subclass 10.
- IV. Claim 4996, drawn to apparatus, classified in class 356, subclass 450.
- V. Claim 5033, drawn to process for using, classified in class 438, subclass 17.

Applicant elected Group I and agreed to cancellation of non-elected claims.

Allowable Subject Matter

2. Claims 4809, 4812, 4817-4841, 4845-4849, 4856, 4858-4861, 4865-4866, 4869-4871, 4873-4875, 4877, and 4879 are allowed.

3. The following is an examiner's statement of reasons for allowance: Prior art of record fails to disclose or reasonably suggest the method for determining two properties of a specimen using a stage coupled with a measurement device and an illumination system, using the illumination system for energy, detecting the energy with the detection system, and generating one or more output signals responsive to the detected energy for determination of macro defects and overlay registration.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References not applied are considered state of the art in the area of semiconductor manufacture.

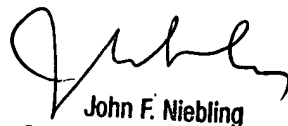
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia T Luk whose telephone number is 571-272-1676. The examiner can normally be reached on 7AM to 4PM Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on 571-272-1679. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTL
June 15, 2004



John F. Niebling
Supervisory Patent Examiner
Technology Center 2800